

12/07/01
J1133 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

JC858 U.S. PTO
10/005073
12/07/01

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 08/617,874 filed on May 21, 1996, for METHODS AND PRODUCTS FOR CONTROLLING THE IMMUNE RESPONSES IN MAMMALS, by the following named inventor(s):

- (a) Full Name Anthony M. JEVNIKAR
- (b) Full Name Shengwu MA
- (c) Full Name Calvin R. STILLER

☐ Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

☐ Applicant(s) suggests Figure for inclusion on the front page of the patent application publication and/or patent.

1. ☒ Enclosed is a copy of the prior Application No. 08/617,874 as originally filed on May 21, 1996, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☒ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$740.00 (101)
Total Claims	50	MINUS 20 =	30	× \$18.00 (103) =	\$540.00
Independent Claims	6	MINUS 3 =	3	× \$84.00 (102) =	\$252.00
If multiple dependent claims are presented, add \$280.00 (104)					
Total Application Fee					\$1,532.00
If small entity status is claimed, subtract 50% of Total Application Fee					\$766.00
Add Assignment Recording Fee of \$ <u> </u> if Assignment document is enclosed					
TOTAL APPLICATION FEE DUE					\$766.00

5. ☒ Charge \$ 766.00 to Deposit Account No. 02-4800 for the fee due.
6. ☐ A check in the amount of \$ is enclosed for the fee due.
7. ☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
8. ☐ Cancel in this application original claims of the prior application before calculating the filing fee.
9. ☐ New drawings are enclosed.
10. ☒ Priority of Application No. 9319429.8 filed on September 21, 1993 in Great Britain (country) is claimed under 35 U.S.C. § 119.

☒ The certified copy of the priority application

☐ is enclosed.

☒ was filed in the International Receiving Office in PCT/CA94/00530,
filed on September 21, 1994.

☐ has not yet been filed.

11. ☐ Please amend the specification by inserting before the first line the sentence:

☐ --This application is a ☐ continuation ☐ divisional of Application No. __, filed
on __.--.

☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. __,
filed on __, which was a national stage filing under 35 U.S.C. § 371 of
International Application No. __ filed on __, which International Application
☐ was ☐ was not published by the International Bureau in English on __.--.

☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. __,
filed on __, which was a continuation of International Application No. __, filed on __,
which International Application ☐ was ☐ was not published by the
International Bureau in English on __.--.

12. ☒ A preliminary amendment is enclosed.

13. ☒ An Information Disclosure Statement is enclosed.

14. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is
enclosed.

15. ☒ Also enclosed a Declaration Pursuant to 37 C.F.R. §1.821-.825, a Request To Use
Computer Readable Form From Parent Application Pursuant to 37 C.F.R. § 1.821(e), a
paper copy of the Sequence Listing, an Abstract on a separate sheet of paper; a
Submission of Formal Drawings; and a Submission of Supplemental Combined
Declaration For Patent Application and Power of Attorney.

16. ☒ The power of attorney in the prior application is to Teresa Stanek Rea and other
attorneys of the law firm Burns, Doane, Swecker & Mathis, L.L.P.

a. ☒ The power appears in the original papers in the prior application.

b. ☐ Since the power does not appear in the original papers, a copy of the power
in the prior application is enclosed.

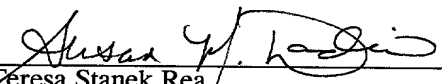
c. ☒ Recognize as Associate Attorney Susan M. Dadio Reg. No. 40,373.

- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Teresa Stanek Rea
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: December 7, 2001

By:


for Teresa Stanek Rea
Registration No. 30,427

Reg. No.
40,373

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

- ☐ inventor(s)
☐ assignee of complete interest
☒ attorney or agent of record
☐ filed under 37 C.F.R. § 1.34(a)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
)
Anthony M. JEVNIKAR et al.)
)
Application No.: Unassigned) Group Art Unit: Unassigned
)
Filed: December 7, 2001) Examiner: Unassigned
)
For: METHODS AND PRODUCTS FOR)
CONTROLLING THE IMMUNE)
RESPONSES IN MAMMALS)

DECLARATION PURSUANT TO 37 C.F.R. §§ 1.821-.825

BOX: SEQUENCE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

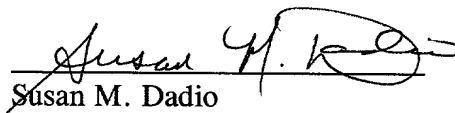
I, Susan M. Dadio, declare as follows:

1. That, in compliance with 37 C.F.R. § 1.821(f), the content of the paper copy of the Sequence Listing included in the concurrently filed Preliminary Amendment, for incorporation into the specification, and the content of the computer readable copy of the Sequence Listing filed on January 5, 1998 parent application Serial No.: 08/617,874 are the same.
2. That the submission, filed in accordance with 37 C.F.R. § 1.821(g)[or (h)], does not include new matter [or go beyond the disclosure in the international application].

I hereby declare that all statements made herein of my own knowledge are true and that all statements were made on information and belief and are believed to be true; and

further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued.

December 7, 2001
Date


Susan M. Dadio

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
)
Anthony M. JEVNIKAR et al.)
)
Application No.: Unassigned) Group Art Unit: Unassigned
)
Filed: December 7, 2001) Examiner: Unassigned
)
For: METHODS AND PRODUCTS FOR)
CONTROLLING THE IMMUNE)
RESPONSES IN MAMMALS)

REQUEST TO USE COMPUTER READABLE FORM FROM PARENT
APPLICATION PURSUANT TO 37 C.F.R. § 1.821(e)

BOX: SEQUENCE

Assistant Commissioner for Patents
Washington, D.C. 20231

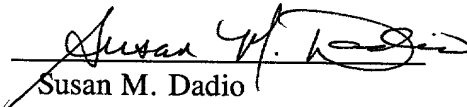
Sir:

The computer readable form in the above-identified application is identical with the computer readable form filed on January 5, 1998 in parent application Serial No. 08/617,874. In accordance with 37 C.F.R. § 1.821(e), applicants respectfully request that the computer-readable form filed in parent application Serial No. 08/617,874, be used as the computer readable form for the instant application. It is understood that the United States Patent and Trademark Office will make the necessary changes in application number and filing date for the computer readable form that will be used for the instant application.

A paper copy of the Sequence Listing is included in the Preliminary Amendment filed concurrently herewith for incorporation into the specification.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
Susan M. Dadio
Registration No. 40,373

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Dated: December 7, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
)
Anthony M. JEVNIKAR et al.) Group Art Unit: 1644
)
Application No.: 08/617,874) Examiner: G. Ewoldt
)
Filed: May 21, 1996)
)
For: METHODS AND PRODUCTS FOR)
CONTROLLING THE IMMUNE)
RESPONSE OF A MAMMAL TO)
GLUTAMIC ACID)
DECARBOXYLASE)

**SUBMISSION OF SUPPLEMENTAL COMBINED DECLARATION FOR PATENT
APPLICATION AND POWER OF ATTORNEY**

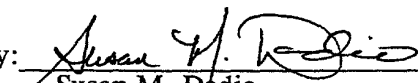
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is a Supplemental Combined Declaration for Patent Application and
Power of Attorney in response to the Notice of Informal Application mailed with the
Notice of Allowance in the above-identified application on August 28, 2001.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
Susan M. Dadio
Registration No. 40,373

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: November 28, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Attention: DRAFTING BRANCH
)	
Anthony M. JEVNIKAR et al.)	Group Art Unit: Unassigned
)	
Application No.: Unassigned)	Examiner: Unassigned
)	
Filed: December 7, 2001)	
)	
For: METHODS AND PRODUCTS FOR)	
CONTROLLING THE IMMUNE)	
RESPONSES IN MAMMALS)	
)	

SUBMISSION OF FORMAL DRAWINGS

Box Issue Fee
Assistant Commissioner for Patents
Washington, D.C. 20231

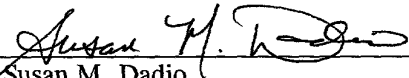
ATTN: OFFICIAL DRAFTSMAN

Sir:

Enclosed please find thirteen (13) sheet(s) of formal drawings for review by the Patent and Trademark Office in connection with the above-identified application. Should the enclosed drawings require changes, it is respectfully requested that the Patent and Trademark Office notify the undersigned of same.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
Susan M. Dadio
Registration No. 40,373

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: December 7, 2001